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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,565	10/02/2003	Douglas B. Guthrie	SEH 026 P2	9308
34232	7590	03/30/2005	EXAMINER	
MATTHEW R. JENKINS, ESQ. 2310 FAR HILLS BUILDING DAYTON, OH 45419			LORENCE, RICHARD M	
			ART UNIT	PAPER NUMBER

3681

DATE MAILED: 03/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/677,565

Applicant(s)

GUTHRIE ET AL.

Examiner

Richard M. Lorence

Art Unit

3681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) See Continuation Sheet is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/5/04</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims pending in the application are 1-7,12-17,19,21,22,24,26,27,30-39,43,48,51,52,54,56,60,61,64-86,90,92,94,97-100,102,103,106,107,110-119 and 121.

Continuation of Disposition of Claims: Claims rejected are 1-7,12-17,19,21,22,24,26,27,30-39,43,48,51,52,54,56,60,61,64-86,90,92,94,97-100,102,103,106,107,110-119 and 121.

DETAILED ACTION

This is the first Office action on the merits of Application No. 10/677,565 filed on October 2, 2003.

The amendment filed on January 13, 2005 has been entered. Claims 12, 34, 81, 85, 103 and 113 have been amended, and claims 8-11, 18, 20, 23, 25, 28, 29, 40-42, 44-47, 49, 50, 53, 55, 57-59, 62, 63, 87-89, 91, 93, 95, 96, 101, 104, 105, 108, 109 and 120 have been cancelled. Claims 1-7, 12-17, 19, 21, 22, 24, 26, 27, 30-39, 43, 48, 51, 52, 54, 56, 60, 61, 64-86, 90, 92, 94, 97-100, 102-103, 106, 107, 110-119 and 121 are currently pending.

Election/Restrictions

Applicant's election without traverse of the species of Figures 3A-3D in the reply filed on January 13, 2005 is acknowledged.

Inventorship

Receipt is acknowledged of the petition filed on February 27, 2004 under 37 CFR 1.48(a) to correct the inventorship by adding Dietmar Koester as an inventor. The statement of facts accompanying the petition states that Mr. Koester should be added since he contributed the features recited in original claims 8, 9, 40, 41, 87 and 88.

In view of the cancellation of claims 8, 9, 40, 41, 87 and 88 in the amendment filed on January 13, 2005 the request to add Mr. Koester as an inventor is believed to

be moot. In response to this action applicant should confirm whether Mr. Koester should still be added as an inventor even with the cancellation of claims 8, 9, 40, 41, 87 and 88.

Specification

The disclosure is objected to because of the following informalities:

In line 11 of paragraph [0028] "illustrated in" should read - - illustrate - -.

In line 7 of paragraph [0011] "an" should read - - a - -.

In paragraph [0020] "exploded" should read - - enlarged - -.

In paragraph [0028] "9C" should read - - 9D - -.

In line 1 of paragraph [0045] "spine" should read - - spline - -.

In line 1 of paragraph [0048] "dimensional" should read - - dimensioned - -.

In line 9 of paragraph [0048] "3D" should read - - 3A - -.

In line 5 of paragraph [0049] "of" should read - - or - -.

Appropriate correction is required.

Claim Objections

Claims 6, 19, 32, 33, 54, 60, 100 and 106 are objected to because of the following informalities:

In line 1 of claim 6 after "least", - - one - - should be inserted.

In line 2 of claim 19 after "connectors", - - is - - should be deleted.

In line 2 of claim 32 "facing" should read - - having - - .

Claim 33 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 32. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

In line 1 of claim 54 after "connectors", - - is - - should be deleted.

In line 2 of claim 60 after "areas", - - defined by said - - should be deleted.

In line 1 of claim 100 after "connectors", - - is - - should be deleted.

In line 2 of claim 106 after "areas", - - defined by said - - should be deleted.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7, 64-65, 70, 73-74-77, 79, 80, 112, 113, 116, 118, 119 and 121 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 7 "said surface" is vague since a first surface, a second surface, and a surface of the connector portion were each previously recited.

Claims 64-65 each recite the limitation "said plurality of second channels". There is insufficient antecedent basis for this limitation in the claim.

Claim 70 recites the limitation "said plurality of apertures" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 73 recites the limitations "said first edge" and "said second edge" in line 3. There is insufficient antecedent basis for these limitations in the claim.

Claims 112 and 113 each recite the limitation "said plurality of second channels". There is insufficient antecedent basis for this limitation in the claim.

In claim 116 it is unclear how the support ring can comprise more than one of the recited elements. In line 2 it is believed that "or more" should be deleted.

Claim 118 recites the limitations "said second channel" and "said first channel". There is insufficient antecedent basis for these limitations in the claim.

Claim 119 recites the limitation "said second channel" in line 1. There is insufficient antecedent basis for this limitation in the claim.

The scope of claim 121 cannot be determined since it depends from the cancelled claim 120.

Claim 121 recites the limitation "said second pluralities of channels". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 117-119 and 121 as best understood are rejected under 35 U.S.C. 102(b) as being anticipated by Staub, Jr. '978. Note the friction facing 14 which as best seen in Figures 2 and 4 includes channels 25 with a shallow area at the radially outermost portion and a deep area at the radially innermost portion.

Claims 68 and 69 are rejected under 35 U.S.C. 102(b) as being anticipated by Staub, Jr. '978. Note the embodiment of Figure 6 wherein the friction facing 1b includes the second channels 1j arranged obliquely with respect to the first channels (similar to the channels 1i in Figure 5). The first and second channels are in fluid communication with one another.

Claims 1-7, 12-17, 19, 21, 22, 24, 26, 27, 30-39, 43, 48, 51, 52, 54, 56, 60, 61, 64-86, 90, 92, 94, 97-100, 102-103, 106, 107, 110-119 and 121 as best understood are rejected under 35 U.S.C. 102(b) as being anticipated by Hirrayanagi et al. '367. Note Figures 7A and 7B which show the friction facing 10 with first channels 11a and second channels 11b.

Claims 1-7, 12-17, 19, 21, 22, 24, 26, 27, 30-39, 43, 48, 51, 52, 54, 56, 60, 61, 64-86, 90, 92, 94, 97-100, 102-103, 106, 107, 110-119 and 121 as best understood are rejected under 35 U.S.C. 102(b) as being anticipated by Payvar '953. Note Figures 1 and 7-9 which show the friction facing 11 with first and second channels 19, 20.


Prior Art Citation

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Each of the prior art documents listed on the forms PTO-1449 submitted with the IDS filed on February 5, 2004 has been considered. The examiner further cites Vierk '397 and Ono et al. '668 each of which show friction facings having lubricant channels.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard M. Lorence whose telephone number is (703) 308-3062. The examiner can normally be reached on Mondays through Fridays from 9:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on (703) 308-0830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Richard M. Lorence
Primary Examiner
Art Unit 3681

Lorence/rml